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09/703,349**B. REMARKS**

Claims 1, 4, and 7 are canceled herein. Claims 2, 3, 5, and 6 remain pending herein.

Applicants request the entering of this amendment because it puts the claims in better form for appeal and reduces the issues for Appeal.

The examiner has rejected claim 3 under 35 USC 102(e) as being anticipated by Kellner (US 6539099). As discussed at column 2, lines 27-40, Kellner discloses receiving continuous frames of video images using a video camera, which include image data of a person. Portions of the head image are extracted from the video images and blended into corresponding areas of a character image which is used in providing a visual chat.

Kellner does not teach or suggest "associating each of a plurality of gestures to separate commands of an application program interface for communicating in real time between the participants; and transmitting an associated command to the application program interface for communicating between the participants. "At column 8, lines 26-49, Killner merely describes that the features are to be blended into the character image. Killner does not teach or suggest that each gesture is associated with a separate command, as claimed in Applicants' claimed invention. With reference to column 5, line 65 to column 6 line 24, Kellner teaches that data ("processed information" or "data" "concerning the sampled feature locations") not "commands" are being transmitted to the decoder systems of other chat users. Since Kellner does not associate a gesture with a separate command, these commands are not being transmitted. Kellner merely processes

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data from the video image; a given physical gesture is not being associated with a separate command.

Since Kellner does not teach Applicants' claimed invention, Kellner does not anticipate Applicants' claimed invention under 35 USC 102(e).

The examiner has rejected claims 2, 5 and 6 under 35 USC 103(a) as being unpatentable over Kellner (US 6539099) in view of Hatlelid (US 6,404,438). With respect to these claims, Applicants' concur with the Examiner that Kellner does not teach determining a state of the actual physical gesture and accessing a table for an action associated with the determined state. The examiner has mischaracterized Hatlelid. Hatlelid does not teach or suggest that a different behavioral movement for a given trigger exists in a table depending on the occurrence number. Fig 12A shows correlating predefined phrases to behavioral movements (column 18, lines 57 – 59). Fig. 12A does not show that a different occurrence will generate a different behavior. Hatlelid does teach a weighting factor which determines how often a behavioral movement will be executed. See column 17, lines 54-58, column 3, lines 10- 14. However, this teaching of Hatlelid does not teach or suggest that a different state of a physical gesture will be associated with a different behavioral movement, as claimed in Applicants' claimed invention as *"determining a state of the actual physical gesture made by the one participant; accessing a table for an action associated with the determined state of the actual physical gesture; and automatically generating a command for the action to a software program enabling a real time communication between the participants thereby sending a representation of the actual gesture within the real time communication."*

Since neither Kellner nor Hatlelid, alone or in combination, teach or suggest each and every claim limitation of Applicants' claimed invention, the combination of references does not make Applicants' claimed invention obvious under 35 USC 103(a).

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C. SUMMARY AND CONCLUSION

In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims is respectfully requested. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.

Applicants request the entering of this amendment because it puts the claims in better form for appeal and reduces the issues for Appeal.

Respectfully submitted,



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